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Paper No. 9

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In re Application of
De Bonet et al.
Application No. 09/656,765
Filed: September 7, 2000
Attorney Docket No. 12107/00701

OFFICE OF PETITIONS
DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action (Paper No. 3) mailed November 19, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 20, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of an amendment under 37 CFR 1.111; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final action of November 19, 2003 is accepted as having been unintentionally delayed.

The power of attorney filed on June 18, 2003 pursuant to 37 CFR 3.71 is not acceptable. While the power of attorney includes a statement that the person signing the submission is authorized to act on behalf of the assignee as required by 37 CFR 3.73(b)(2), the power of attorney does not include documentary evidence of a chain of title from the original owner to the Assignee (e.g., copy of an executed assignment submitted for recording) or a statement specifying, by reel and frame number, where such evidence is recorded in the Office as required by 37 CFR 3.73(b)(1). See also MPEP 324.II.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to Technology Center 2100 for further processing.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions